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THE LEGISLATIVE POLICE COMMITTEE.

STILL FURTHER DISCLOSURES OF ABUSES AMONG THE POLICE COURTS.

Mysteries, Secret Sins, Improper Houses, &c.

Continued Testimony on the Morals of the Seventeenth and Eighteenth Wards—Mr. Smith Testifies.

SUGGESTIONS FOR REFORM.

The members of the Legislative Committee appointed by the Board of Aldermen met at the Hall of the City Library on Saturday morning at 10½ o'clock—all of their members present. At the opening of the session Mr. Justice Welsh appeared and requested permission to make some explanations relative to his testimony of Friday.

Justice Welsh was exceedingly pained upon the occasion. Whether I had intended to take bail without the authorization?' In my answer I do not mean to be understood that I could take bail under the statutes, but that I would take it more for the relief of the parties concerned. The course that would probably have suggested itself to me, had the parties been brought before me on a warrant, would have been to place the prisoners in the custody of the officers who held the warrants, he being willing to take them, and the circumstances of the case appearing to me to justify that proceeding. If I took bail I should regard it in no other light than as a voluntary matter taking place outside of the statutes, to speak.

In addition to "disposition," my impressions and straightness of that system were mainly obtained while I was Police Clerk at the Tombs. When I was elected a magistrate I was confined to Essex-street Station-house, from which I kept those suspected persons pretty close. I was confined to the Tombs about the first of August last, and from the lack of time and from the circumstances of the clerks for the particular business attached to the lower Courts, and the shifting about of the officers, it has been as much as I could do to attend to my own business straight.

Upon the Police Officers, I was asked whether I had reported into the matter of their taking portions of fees from lawyers. I will state that the discipline of the Police Department comes directly under the Mayor and Chief of Police, and that as I have no position by men as well in their official as in my own Court, I generally devoted my attention to the correction of abuses brought directly before my attention. There is a class of officers called "roundsmen," and "shadows," who have the reputation of being exceedingly effective in ferreting out abuses and crimes. If there is any efficiency in these branches of the Police organization, they might have been properly directed to ferret out that abuse.

Mr. Craig—Do you recollect of a case where persons committed on default in bail have got out without giving bail?

Witness—I do not; I have heard of persons who were sent up for twelve months being out in six.

Mr. Baker—What is the practice of the Governors in relation to these cases? Do they examine the evidence that has been had?

Witness—I do not; you can't tell why they have been pardoned?

Mr. Baker—You can't tell why they have been pardoned?

Witness—I do not know that I could tell; I have not attended to the matter much, for I protested against the pleasure of the job at all until I became discouraged.

Mr. Baker—I understood that there were no swindling operations carried on against the residents of the City. Is that so? A—Oh, that was only a joke on the part of one of the Committee.

Mr. Baker—Those persons termed "penal thefts" are generally practiced upon countrymen, are they not?

Witness—What is that?

Mr. Baker—That is what is called "dragging a stranger."

Mr. Craig—Do the officers charge for their services in attending cases with mock-auctioneers. A—They do not charge, but frequently are rewarded, I suppose; the law of the State bars them receive such reward, and holds the hope of reward up to them as an incentive.

Mr. Baker—That is with the consent of the Mayor.

Witness—Well, I do not suppose that the Mayor would or ever did refuse to allow them to take it.

Mr. Craig—The question is what is to be considered as reward, whether it is to be a share of the proceeds?

Witness—(Continued)—The Chief of Police has never to my knowledge been into a Police Court since he has been Chief of Police, unless it be to that held in the Mayor's Office.

Mr. Craig—You can speak with certainty with regard to your own Court? A—Yes, as far as my own knowledge is concerned.

A—But you ever know of mock-auctioneers cases being followed up to conviction? A—I think there was a case prosecuted by the late Mr. Blunt in the Court of Sessions; I do not know who it was sent up for.

Q—How long ago was that? A—About three years ago.

Q—Do you have many of these complaints? A—Not many; I have had one for a long time.

Q—What do these cases generally go? A—To the Court of Oyer and Officers.

Mr. Craig—I stated yesterday that he always learned that speaking of cases over to the Police Magistrates—Have you not? A—I expect him to do something more than that; I expect him to use his deductions to collect evidence and to assist me; I want the assistance and subordinates to assist.

Mr. Baker—Have you not full power to issue subpœnas? A—Yes, Sir.

Q—Is it not understood that a magistrate may issue process to any policeman throughout the City? A—I suppose so.

Mr. Stuyvesant—Did you not observe, Mr. Baker, that one witness testified that the Ward Officers have frequently refused to serve warrants?

Witness—Of course that is known; but if you want that system carried out you will have to increase police magistrates to such a degree that it will be impossible to carry on the business and it to receive the support of the large body of men, you will have to increase the number of such officers; it would be impossible for the Police Department to discharge the duty of the Police Department to discharge it out.

Mr. Craig—Do you not think that there would be any difficulty in getting them to do it? A—Some of them would not do it; the Captains do not visit the Police Courts.

Capt. Welling—There is good reason for that; one of the magistrates threatened to lock me up.

Witness—I will illustrate what I have said; I had before me a case of stealing a watch; I heard the man's complaint to that effect, and after hearing all that he had to say, and there being no corroborative testimony and no evidence, I told him I must discharge the case for lack of evidence; when then, and not before a prisoner, I had been wanted, the policeman who made the arrest handed up the watch, saying: "Why, Judge, we found the watch on his person;" repeating all that time with the very evidence of guilt in his hand.

Mr. Craig—That is a fault of judgment sometimes made in the selection of men.

Witness—Exactly; that is why I say that they should be attended to, and their doings should be supervised; you asked me if I ever knew of a sale of property in the police court; I see in the reports I am made to say so.

Mr. O'Keefe—I understood you so yesterday.

Witness—I said yes; I could not say otherwise, for I had a complete recollection of Mr. Nesbitt's sale; this money collected by the Governors from fines, had been mixed with my exact words said between ourselves; as I understand, that amount is deducted from the appropriation by the Comptroller; so I was informed by Mr. Kellogg, the Superintendent of Out-Door Poor. There is one other suggestion which I should like to make. The Police Courts of the City have become so important, and the duties of the magistrates so arduous, when properly discharged, that I think he needs the services of an officer from the Bureau of the District-Attorney.

Q.—What kind of an officer? A.—One to represent and take charge of the prosecutions.

Mr. Baker—Do I understand you, to be stationed in the Police Courts? A.—Yes, Sir; it would keep the District-Attorney constantly posted up as to what transpires, and he could show more interest on the part of the prosecution.

Q.—In cases where parties have been brought before you, in cases dismissed, when the complaining parties have been dissatisfied with you and your decisions, and the District Attorney has sent for papers, has he not always coincided with you? A.—I recollect the District Attorney sending for some papers, but what has been done with them I cannot say.

Q.—The papers have never been returned to you again? No; I have never had him send to me for a case which I have already dismissed, to my recollection.

Q.—Do you know of any such case where they have sent for papers? A.—I do not know of such a case; I have known an instance where a police magistrate had discharged a party, and the Grand Jury indicted the accused, and the magistrate, also; on the trial, however, the prisoner was acquitted, and, of course, the magistrate was *nolle pros'd* at once.

Mr. Hopkins—Perhaps that indictment and its attendant expenses was caused by the negligence of the magistrate *himself*, in not filing the evidence.

Witness—This system, as I understand it, dates back to the time when magistrates were appointed.

Mr. Baker—What system is that? A.—That of filing certain papers in our own office; I cannot find the oldest inhabitant that has known it to be carried on differently.

Q.—The recognizances to appear are all sent down? A.—Of course they are; I said yesterday in answer to Mr. Hopkins that the bail bonds to keep the peace was a farce; it is not so looked upon by the public; I was myself once bound over to keep the peace, and have not broken it since, for I never considered it a joke.

TESTIMONY OF CAPT. WELLING.

Capt. Welling was next called, and being sworn, he testified as follows:

Q.—You are a Captain of Police of this City? A.—Yes, Sir, of the Eighteenth Ward.

Q.—How long have you been Captain? A.—Two years last September.

Q.—Were you connected with the Police Department before that? A.—Yes, Sir, for seven years.

Q.—Will you state as briefly as possible what are your duties as Captain? A.—My duties are to see that the books are properly kept, to have the general supervision of the men and to see that they attend to their duties around the Ward, and to have general supervision, to make a report to the Chief of Police of all parties arrested, Policemen sick or absent, with or without leave; these reports to be made by nine o'clock each morning; I have power to suspend any Policeman for cause, and to make affidavit against him at the Chief's office for neglect of duty or other causes.

Q.—There is a rule of the Police by which it is the duty of the Chief of Police to inspect, or cause to be inspected, the Station-houses of the City; how often have you had yours inspected? A.—Well, we have a doctor there——

Mr. Craig—I do not mean by a doctor. A.—About twice I think within the year the Chief has visited us; he has never been *to our new Station-house* since we got in, I believe.

Q.—Have you ever seen the Chief of Police in your beat, except on these two occasions? A.—I have seen him to and fro through the ward.

Q.—*How often do you suppose?* A.—Well, I have seen him only two or three times, but I have heard the officers saying that they saw him at the corners or so on.

Q.—Where is your ward? A.—It is bounded by Fourteenth and Twenty-sixth streets, and Sixth avenue and the East River.

Q.—Where does the Chief live; near that? A.—No, Sir; he lives in Stanton street; I do not think that he comes up town in our wards so much as he goes through the down town wards; I judge from what I know from being in his office, when I used to go with him at night.

Q.—Have you many houses of prostitution in your beat? A.—I have no knowledge of but three or four; there is one that I understand has come within a few days on the corner of Nineteenth-street and Broadway. There was one in Twenty-second street, but we made it rather too uncomfortable, and it was removed.

Q.—Do you make a report of these, and how often? A.—Yes, once every six months; the last six months I had no knowledge of any in my district.

Q.—You are not obliged to report to any one but the Chief of Police? A.—No, Sir.

Q.—In your reports do you give any particulars as to the houses? A.—Not always so; I have taken measures to get these houses out of the way; the citizens there did not want me to arrest the parties, as it would give such publicity to the neighborhood; it was a house of assignation; I made it an unprofitable business by placing a Policeman with a dark lantern in front of the door, so that when any visitor came he opened the glass on his face so that he could recognize the party; I followed some parties also, and told them that it was a dangerous retreat, *as I might surprise it some night*, and they had better not go again, because I might come and arrest some of the parties; I told them to *keep away*; of course the house did not pay, and they moved; the *lady* of the house came with a lawyer to the Chief of *Police to make a complaint against me* for doing this, but the Chief told her that he did not interfere with it; that he had heard of the house and would not meddle.

Q.—Are there any policy shops in your district? A.—I think there are two, but I am not quite sure. Q.—They are regarded, and I believe justly, as very great nuisances? A.—I do not know, Sir, I never was into one of them.

Q.—It is your duty to do all you can to try and find them out. A.—Yes, Sir.

Q.—Have you ever done that? A.—I have not; I only had knowledge of one of them as being there a few days; it is a current report that most of the exchange offices do business in that way.

Q.—How often do you go round your Ward to supervise your men? A.—Well, sometimes I go every night for probably a month or two months, then I may leave off for two or three nights; when I first went into the Ward I think there was not a night that I went to bed before two o'clock, if so early.

Q.—By the arrangement of your beats, can it be that two officers could be most of the time in company the one with the other? A.—We can only arrange our beats so that they must cross one another.

Q.—What do you do with parties arrested at night? A.—Keep them at the Station-house, in cells for that purpose.

Q.—Do you generally give notice to magistrates of an arrest, or do you ever discharge prisoners yourself? A.—I never discharge any one, neither do I deliver them up on the written order of any one; I have had orders from the Mayor and City Judge to release prisoners, but have invariably refused to do so.

Mr. Stuyvesant—Are you not required to obey the order of the Mayor? A.—The rules of the Department say so; but we have a general order to the effect that we shall not discharge prisoners on the order of a magistrate, and as I make no distinctions in any case, I do not discharge on any such order, for I suppose them all to be magistrates; I have had them sit in the public room the man having been arrested for some trivial offence, when we are expecting a magistrate; we then sometimes do not lock him up; I had one night about twenty persons there, and I had not cells enough, nor rooms, and one of the parties was very sick; I let him lay upon a bed right in the room, an officer allowing the use of his cot.

Mr. Stuyvesant—There is no need to explain anything of that kind, which I take to be perfectly right.

Q.—At the time you state that you were detailed at the Tombs, do you know of officers taking money from lawyers for preference in cases? A.—I have had lawyers apply to me to assist them to get cases for them, when they said they would do "what was right."

Q.—Do you know of any officers that were in the habit of giving cases? A.—I have no personal knowledge, except that lawyers were to be found with men when they made arrests, and the same lawyers afterwards defended the cases, and from their offering me money.

Q.—The lawyers I practice in these courts? A.—I have never seen them elsewhere.

Q.—Are there any gambling-houses in your Ward? A.—I know of none.

Q.—Have you ever known Policemen to receive compensation from brothel-housekeepers? A.—I have never known of anything of the kind; it is frequently offered to me, in the case of the horses I spoke of, the officer who stood at the door said that the woman of the house came out and offered him money to go away; hesitated there any how, so I suppose he did not take it; he said he did not.

Q.—What became of the property that was delivered at the Station-house before the passage of the law to make it go to the Magistrate? A.—(Handing over receipt-book)—Here is my receipt-book, which is dated back, I find, as far as 1851; I never allowed any property to be kept in my Station-house, unless it was such a thing as a piece of lead cut from some pipe; never anything to a greater value than two or three cents or something of that kind.

Q.—*Do* you know of any brokerage being paid by lawyers to the keepers of prisons or deputy keepers? A.—I have heard of such things, but I have no personal knowledge of any such case myself.

Q.—How long have you known a prisoner to be confined without an examination? A.—Well, I have known them, of my own knowledge, to be about a week confined pending an examination; I have known of cases where the officers arrested prisoners, they have taken them to the Police Court for examination, they have been temporarily committed, and the last we have heard of them was in jail.

Q.—Have you known of prisoners being kept at the Station-house for two days before they were returned to the Magistrate? A.—I do not recollect any particular case, but I think there have been a few cases where persons arrested on suspicion of grand larceny or burglary have, on getting permission from the Mayor or Chief, been kept at the Station-house until we could work the case up.

Q.—Does not the law require you to convey the prisoner as soon as possible before the nearest committing Magistrate? A.—I believe that a law of that kind has been lately passed.

Q.—Has that not always been the law? A.—I have always understood that it certain cases we might retain the prisoner before he was taken to the *magistrate*, if we had the permission of the Mayor or Chief of Police.

Q.—What would you think if a magistrate was at each one of the Station-houses to hear each complaint as it was brought in? A.—I think that this would only have a partially good effect; I have known cases of persons I could name, one or two young thieves in my Ward, who acknowledged themselves to be such; I have known them, if they served all their time to which they have been sentenced out, would never see the end of it; I have known the officers to go over and *make complaint*, and be told that the prisoners would get three or six or twelve months, and in an hour after the same boys would walk past the Station-house and laugh in our faces.

Q.—Do you know why they were discharged? A.—I cannot say; I have had them tell me I could not keep them.

Q.—Have you ever known a prisoner to escape out of the Station-house, as a consequence of his not being at once taken before a magistrate? A.—I have heard of some cases of the kind, but do not know of any.

Q.—With regard to these persons who tell you that you can't keep them, what are they? are they politicians? A.—I see them hurrahing around the polls, but I think they should not be called politicians, for they only injure the cause.

Q.—Do they allege any reason why you can't keep them? A.—*They* say that if they can raise $10 from their companions they can always get out.

Q.—What Police Court do you generally take your cases before? A.—Jefferson Market Court.

Q.—How long since a case of this kind occurred? A.—Well, it is occurring quite frequently, though I do not recollect any particular case within, say three or four months; we do not now have so much trouble as th re used to be.

Q.—What is the reason of this? A.—I attributed it to the ground that the magistrates are more particular or more honest, I do not know which. [Laughter.]

Q.—After a man is convicted at the Police Court, into whose hands is he placed? A.—*He is taken to* the keeper and put into a cell; the officer takes the commitment.

Q.—Who was that Officer? A.—The Officer that made the arrest.

Q.—A Ward Officer then takes him in charge to the keeper of the City Prison? A.—That is so.

Q.—Can you state now, for the information of this Committee, any suggestions or facts that will lead to the improvement of criminal jurisprudence? A.—My experience is this, with respect to releases from custody, when the Officer takes a prisoner before a Magistrate under the Vagrancy act, he temporarily commits him, telling the Policeman that *he shall commit for three or six months*, as the case may be, but instead of doing that he is committed for examination; then he is *brought* up for examination, when no officer is there, and he is discharged for want of proper evidence; this wants to be remedied.

Q.—That is the fault of the Magistrate? A.—Certainly; in that case, where the lawyer made that proposition to me, it was a couple of men that had been disorderly in the street; they were countrymen, and had from $50 to $60 in their pockets.

Q.—They were not citizens? A.—No; they had some $200 or $60 between them, and the lawyer wanted me to not them on to get counsel, and to give the case to him, and he would get $40 or $50 for them, and would do, as he said, "what was right by me."

Q.—Is it not a general impression that if a man goes into the City Prison with a "pocket full of rocks" that he would not have "a flint" left when he came out? A.—It is the general impression that it would "melt down" very soon; I do not know who takes it; the officers always search prisoners.

Q.—For every offence? A.—It is pretty usual.

Q.—Is that pursuant to an ordinance of the State? A.—There is no statute; I suppose that we should not have the right unless he was charged with a felony. But we do so to save him, because we have had complaints that parties not searched, while still in the Station-house cells, have been robbed.

Q.—You never search a man charged with assault and battery? A.—No, if he is sober.

Q.—Did you ever know of a clerk of the Police Court to take testimony without the presence of the magistrate? A.—I have known, when I was at the Tombs, the Justice to be in the outer office when an examination was going on in the inner room; the magistrate came in and swore the parties *to testify, and then the clerk* took the evidence, or the clerk would take the testimony and the magistrate *would afterwards swear the party* to it.

Q.—While you were detailed to the Tombs, what was *the longest time* you have known a party to be in duress before examination? A.—I have known parties to be in about *a week*, then called up and the evidence not all got through, and so they would be put back, and it would be four or five weeks before the final examination would be had.

Q.—How long have you known witnesses to be detained? A.—I have no personal knowledge of that, but I have seen them come to the Comptroller for pay when they were allowed one dollar per day; I have seen them have pay for from fifteen to twenty days, and sometimes longer.

Q.—Where were they confined? A.—In the Tombs.

Q.—In cells such as used for prisoners? A.—I understood that they were put in where the lowest grade of criminals are kept, but that was for want of room in any other place.

Q.—Do they fare any better than criminals? A.—I do not know.

Q.—Do you know if there are any such things in the City as mock auctions? A.—I believe there are; I have been to such places to get money back.

Q.—You never prosecuted the offender? A.—I have never acted on my own responsibility; when at the Tombs I was under orders of the magistrate, or if at the Chief's, it was from the Chief; I have known cases where they have been arrested, but I have never known a case where conviction followed; the difficulty was found to be that they would give bail for their appearance, and when examination came on some witness could not be found, or something would happen to delay, until the case went by default.

Q.—Where a man has disgorged, is it customary for him to pay the officer anything? A.—Yes, Sir.

Q.—He pays it before he gets permission from the Mayor? A.—Yes, Sir; he signs a paper before he gives it; he would say to the Policeman, "How much must I give you;" I would answer to him; "Just as you please, you are not obliged to give me any unless you please," and perhaps he would give from three to five dollars; I would immediately go to the Mayor, and he would give that permission.

Q.—Is it expected of parties thus to give? A.—Yes, but I know of cases where they have not given anything; I have frequently had the mock-auctioneer offer to give me money also, but I never took any of that.

Q.—None of your City gentlemen are stuck by these men, are they? A.—I believe I know of one man who was a resident here who got let in.

Mr. O'Keefe—You say that the Police officers are in the habit of searching prisoners; do they do so without the authority of the magistrate? A.—They do it by orders of whoever may be in charge.

Q.—They never make the search in the street I suppose? A.—I should think not.

Q.—You were a detailed officer at the Tombs? A.—Yes, Sir.

Q.—Are they in the habit of searching there without the consent of the magistrate? A.—I have known parties to be brought before the desk and searched.

Q.—Will they not sometimes do it without the consent of any body? A.—I do not know how that is; I believe that I have known a case or two, one of my own; I took the man to the Tombs and searched him there without the magistrate's being in the room I think, but there were the clerks and other parties in the room.

Q.—Is it the practice in cases of examination of the prisoner arrested and put in the watch-house to give him any receipt for the property or money taken from him? A.—No, Sir; it is contained in the police office; the policeman that made the arrest executes it and gives it to the man in charge.

Q.—Does the Policeman ever make the search, he and the prisoner being alone in the room? A.—I never would countenance any thing of the kind, unless in case of the passing of counterfeit money or grand larceny, when he would throw away the evidence of his guilt.

Q.—There is no rule or ordinance regulating this power of making the search? A.—Except so far as in cases of felony, I believe there is not.

Mr. Baker—In cases of larcenies there is.

Witness—The practice is, if a man is arrested for grand larceny or passing counterfeit money, to search him as soon as possible; the possibility is that the officer would not then wait to go to the magistrate.

Q.—Do you know of any case where prisoners committed to the Tombs have hired a better room than as first assigned to them? A.—I have heard that they were allowed to put a carpet or some chairs into the cell, or something of that kind.

Q.—In case of witnesses being incarcerated for want of bail? A.—I suppose that they would have to furnish any extra's themselves.

CAPT. HAIN'S TESTIMONY.

Capt. Judson Hain was next placed upon the stand. He testified as follows: I am Captain of the Police of the Seventeenth Ward.

Q.—How long have you been Captain? A.—It is now nearly four years.

Q.—How long have you been connected with the Police Department? A.—That is the time, Sir; I was appointed Captain at the first.

Q.—What is your beat? A.—It is bounded on the west by the Bowery and Fourth-avenue, east by Avenue B and Clinton-street, south by Rivington-street, and north by Fourteenth-street.

Q.—Composed mainly of German people? A.—We have all kinds, Sir.

Q.—How often has the Chief of Police visited your Station-house during the past year? A.—That is more than I could say.

Q.—Has he once? A.—I think he has, Sir.

Q.—Has he twice? A.—I could not say; I only know from hearsay; I know that His Honor the Mayor has been there.

Q.—*You do not know* that he has been there twice? A.—I have never seen him there, to my knowledge; it is only from hearsay that I speak.

Q.—You have had no one there to inspect your office officially? A.—His Honor the Mayor has been there.

Q.—How often? A.—I know only of his being there once; I was not in at the time; I heard of it, and saw it entered in the book.

Q.—Do you hear of the Chief of Police in your beat? A.—Yes, Sir; he lives in the Ward; so does the Mayor.

Q.—Have you any houses of prostitution in your beat? A.—We have those that we suppose are such.

Q.—How do you infer that? A.—From common rumor and from what we hear.

Q.—Do you ever go inside to judge of this? A.—No, Sir; we generally judge of this outside.

Q.—*Do you report these every six months to the* Chief of Police? A.—We have only two that may be called of that kind; we had one other, but we had the woman arrested and put in the Tombs, and she went away and broke up her house.

Q.—Was she held and prosecuted to conviction? A.—Not that I know of; I made the complaint to the Magistrate.

Q.—Were you present at the trial? A.—I never heard of any, Sir.

Q.—But she came back and moved from the place? A.—She went away, that is all I know; this was two or three months since.

Q.—Have you any policy shops in your district? A.—Not many; some are so considered.

Q.—Any gambling houses? A.—Not that I know of, Sir.

Q.—How long is a person kept in prison before he is examined? A.—That depends on circumstances; sometimes we have them temporarily committed for examination till we can get hold of evidence; but I invariably had them taken before a magistrate to hold.

Q.—Have you had any prisoners discharged from the Station-house? A.—Not by magistrates; we have had some by the Mayor.

Q.—Do you know of anything in relation to what is termed "skinners" around the police courts? A.—I have heard of it, but never had anything to do with the "skinners" myself; I have had money offered to me by handsful.

Q.—By lawyers? A.—By lawyers and by friends of my prisoner.

Q.—What per centage have they offered? A.—They have never done offered but a per cent.

Q.—What is the object; is it to let the party escape? A.—*They say it is* to make us their friends.

Q.—Have you invariably declined? A.—I have never taken a farthing.

Q.—Have you ever known Policemen to take a great interest in getting a prisoner clear? A.—Oh, yes, Sir; I have had trouble with Policemen on account of that.

Q.—Do you know of Policeman receiving compensation from any people? A.—Not except it was in a legal manner.

Q.—That house that you say you broke up, was it of the lower order or what? A.—It was considered as one of the upper crust; I only know by common report.

Q.—Are there any amendments to the Police Law that you could suggest? A.—I do not know; the great difficulty seems to be the getting away of witnesses when parties are bailed; I think that more intimacy should exist between the Police Magistrates and Police Captains; that would be of great benefit; I would wish to be on good terms with all of them; at present they are just as though they did not know us and keep us standing outside with all sorts of subjects; again, what Justice Welsh speaks of as concerning the District Attorney's office, I think would do great good.

Q.—Have you known of partiality to be shown to some parties who were introduced into what is called the "Star Chamber," while others have been kept outside? A.—So far as I have had to do with the Police Magistrates, I have noticed things all pretty correct. I have never seen any very great partiality.

Q.—*If a prisoner* is arrested over night, is he searched? A.—We generally tell him that; we say "Now, my friend, whatever you have about you, *you had better give to us to take care of*," and then we have but little trouble about it.

Q.—*If he objects, would you search him?* A.—If he was in liquor I should; then he might have dangerous weapons or something of that sort; I would like to make one statement; that is, that Justice Welsh always invited me to come to the bench in *reference to my cases.*

Q.—What is the amount you take from prisoners? A.—When first I joined it was about $250 the first quarter; it went on increasing until it is now about $1,070 per quarter.

Q.—And in these cases you state that it is not the practice to give any evidences of debt? A.—It is entered on the blotter.

Q.—Do the Captains give any bonds? A.—Yes, Sir; $5,000 for the faithful performance of their duty.

TESTIMONY OF THE AGENT OF THE PRISON ASSOCIATION.

Mr. Abraham Beale, agent of the N. Y. Prison Association, was then examined.

Q.—Do the duties of your office lead you into constant connection with the Police Courts and department? A.—Yes, Sir; I have been officially connected with this Society for two years; you are aware that I stand in a different relation to the laws from the previous witness.

Q.—Have you noticed any abuses in the management of Police Courts of this City that you think could be rectified? A.—I cannot, at this moment, tax my mind on any particular case, but our Justices are not infallible, and cases are adjudicated with great precipitancy, and they doubtless even go contrary to justice; I think that the examination in all cases on the side of the prisoner is not a fair chance for him; he has not a fair show to rebut the testimony brought against him; I visit all the prisons, and Blackwell's Island, and complaints are many, that they were sent up without any knowledge of their having been committed; they are arrested—their wives or somebody else were sworn, and not a question is asked of them; they did not, indeed, know what disposition was made of their cases till they were thrust into the "Black Maria."

Mr. Craig—You say that you have learned this from the prisoners themselves? That is not always reliable testimony.

Witness—When I see a case that commends itself to my sympathies I speak up.

Q.—Have you seen such a case? A.—I do very often; it is the uniform practice to hear only one side; this is carried out more or less.

Q.—Have you not heard of parties being sent to Blackwell's Island without having one question put to them? A.—Yes, Sir; sometimes wives will make complaints of their husbands through the influence of young men that, being attached to her, wish to possess her; the young man will urge her to make complaint; she will call in an officer, and he, under the influence of pity, will arrest the husband, and then follows the Island; this is not a solitary case.

Q.—You are stating facts that you know? A.—I do. Perhaps the Police Officer is called in, and he, believing the statement of the woman that her husband, it may be, does not support her, he asserts that it is correct; the husband gets six months at the Penitentiary; I visited such a man and he told me his case thus, and said "My wife is surely living with so and so," and I went and found it as he had said.

Q.—Do you suppose in these cases that the Magistrate is conscious of the fact? A.—I think not.

Q.—Have you not known of parties arrested for bastardy being forced to marry the woman to escape from prison? A.—I have heard of these cases; but have not had with my seals.

Q.—Call on many Police cases. A.—There are many with fellowing from this cause; when a man is arrested for assault and battery he is frequently taken away from his family, who do not know his whereabouts and with whom he cannot communicate, and having no friend in Court who knows him, he is presumed guilty; I think that we have intelligent magistrates, but we want men that will not allow lookers and suckers to come and sit by him and converse with him; I think that all these things are productive of the most monstrous evils.

Q.—Have you ever seen a magistrate on the bench while under the influence of liquor? A.—I am sorry to say that I have.

Q.—Is there a class of men known as "skinners," or "shysters," about the Tombs? A.—Yes, Sir; and they skin pretty deep, too.

Q.—*If people* like to undertake and the process? A.—Well, Sir, I have often met with such cases, but seek to the multitudinous character of my pursuits that *I can't* pay that attention that I should like to their deeds; on the 7th June, I went to the Jefferson Market Police Court; the wife of a drunkard, then on the Island, complained that one of the lawyers about there had promised to get his discharge if 50 were paid to him; after a few days delay, it came to her ears that he had received the money; she was without means, but borrowed a trifle of the land her $5, which she paid the lawyer; still her husband was held in durance; I consulted the magistrate, and he severely reprimanded the lawyer, advising him to refund the money, which he did after much trouble.

Q.—What opportunity has an accused party to obtain good counsel? Is the way open to him freely? A.—Certainly not, Sir, unless he has money.

Q.—Suppose a man is brought up and supposed to have money, has he an opportunity to get what counsel he pleases? A.—Well, Sir, there is a difficulty about it. They make complaints to me in all the houses of detention of this evil.

Q.—Do you know whether there are partnerships in the spoils between prisoners, certain lawyers and policemen? A.—You see, gentlemen, that I am looked upon as a spy, so they are very careful when I am around.

Q.—Can the prisoner transmit a note to counsel in the City? A.—There are no facilities. He can do it by fixing the keeper.

Q.—Do you take fees when you appear for prisoners? A. (indignantly)—No, Sir. I have even refused to receive donations to the Society given as repayment; I know of a lawyer who received money from a party in trouble, and who was well paid for his appearance, but whose only efforts seemed to get the poor fellows six months on the Island instead of two.

Q.—Was that a lawyer? A.—Yes, Sir. He has since been a legislator, and tried hard to get into the Senate. The case came on 7th June, 1854.

Mr. O'Keefe—Was he ever in the assembly before that?

Witness—Oh, no, Sir.

Mr. O'Keefe—Then it was not I. [Laughter.]

Witness—Oh, no, Sir.

Q.—Did you ever meet with a case of a colored man in Kings County Jail that had been pending for at least a year? A.—Yes, Sir—it was thus: June 10 I visited the Kings County Jail, and there noticed Benjamin Williams and his wife, convicted of burglary in August, 1854; they have since been in jail awaiting sentence; I called on Judge Moore, and he said that they were supposed to be bad characters, and twelve months in prison would do them good; he asked me to try for their discharge, which I refused to do, saying, "You have done very wrong, and must right it yourself."

On motion, it was resolved to subpœna Ex-Justice Edmonds, and Peter Crosby, Deputy Warden of the Essex Market Prison, and the Court adjourned.

Meeting of Police Commissioners.

On Saturday afternoon, the Court, consisting of the Mayor and Recorder, were engaged in the investigation of several cases of no great public importance, some of which were forwarded a stage, others postponed for the production of witnesses. A case came up of great interest at this moment, the attention of the citizens having been so strongly called to official corruption.

POLICEMEN ACTIVELY PROMOTING ADULTERY.

Cyrus Butler is a policeman, suspended from pay and duty on the charge of seduction. The facts will appear in the following abstract of the depositions.

The affidavit of Julia Powell charges that about ten months ago, Cyrus Butler (who is married) not *merely seduced* Emma Johnson, (a girl fourteen years of age,) but also communicated to her the venereal disease—to the *great scandal of the Police Department* of this City.

The affidavit is lengthy. It states that Emma informed deponent "that when Butler had his night off, and also when it was his night to go home at twelve o'clock, instead of going home to his family, he would come to the house of said Emma and stay with her all night;" that "Butler still continues to visit Emma, and gives her money, telling her she had better have a doctor;" that "Butler had told Emma she could not be compelled to say anything in Court about it, and that she would not do so;" and that if she proved pregnant, Butler would give her "something to cure it."

Matilda Cooke makes affidavit in corroboration of the above.

Geo. W. Boyce, a policeman of Yonkers, makes oath and deposes: That Cyrus Butler boasted to him voluntarily, that he had been "the first" to seduce this Emma Johnson, of 14 years of age; Boyce had been acquainted with the girl, and believes that until her seduction by Butler she was a virtuous girl; the girl told deponent that Butler had communicated to her a filthy disease, for which he was then under medical treatment; Butler had informed him what presents he had given her, where he had provided lodgings for her, and what he had paid for her board.

Butler, in the most emphatic manner, denies the whole story from beginning to end, and makes affidavit to that effect to-day.

Witnesses being called, Mrs. Williams, No. 402 Ninth-avenue, testified to her acquaintance with Butler; has known Emma Johnson latterly; Butler applied to witness for board for Emma who lived with witness one week, Butler paying her board; Butler and Emma had during that time plenty of private opportunities; *Cyrus told witness that he was the man who had seduced the girl, and that her mother would be quiet if she would leave the house and go* somewhere else to board; witness deposed to seeing the parties sleeping together; a physician gave evi*dence that examining the patient as he did in No*vember, there were no traces of disease which might *possibly have existed in August.*

Counsel for Butler attempted to impeach the credit of the witnesses by raising collateral issues, and the Recorder repeatedly told the witnesses that they need not answer. If their characters were bad, Counsel might call witnesses to prove that, if possible.

The girl Emma was next called. The object of Butler's counsel was to secure her oath to her own purity, and thus screen Butler, as well as maintain her own character, in swearing that all the previous testimony was false.

She swore point-blank to the contrary of all the previous witnesses. The mother being called, followed the same course. The case was then referred upon the evidence.

Adjourned at 7 P. M.

The Reindeer Tragedy.

We have no fresh intelligence relative to the murders on board the schooner *Reindeer*, that we can give as reliable. Our reporter yesterday made an attempt to get to City Island, but failed to cross the arm of the Sound which separates the Island from the main land. The storm raged so violently that two out of three of the ferry boats drifted before the waves to parts unknown. The staging or pier on the Westchester side also broke away, and pursued the boats. A sloop or two slipped moorings and went off. The water at the ferry is about three-quarters of a mile in breath, and is exposed to the fullest force of such a southeast wind as we had yesterday. The only remaining ferry-boat—a mere scow,—could not live in such weather, and after waiting two hours, the reporter was obliged to return, the ferry-master on the Island signaling across to him that to wait longer would be still to wait in vain.

At Pelham Creek he gained some homœopathic information. The schooner has been further searched, and her cargo overhauled, but without any trace of the bodies being disclosed. She has had her holes thoroughly stopped, and is now anchored, on her own responsibility, a little way off the Island, Capt. Bourry having withdrawn with his sloop. The dragging for the bodies was commenced on Saturday, but high tide occurring about noon, it was interrupted for some hours, and little was done. Yesterday, of course, owing to the storm, when the waves dashed freely over modern street cars, all was fatal to small boats, nothing could be done.

For many years no murders have created more interest in the public mind than these; and yet it is much to be feared that the negro will escape punishment. If the bodies are not found, or when found, are so decomposed that they cannot be recognised, he certainly will.

LATEST INTELLIGENCE

By Telegraph to the New-York Daily Times.

FROM WASHINGTON.

Probability of Banks' Election.

SYMPTOMS OF DISCONTENT.

Results of a Failure to Organize To-Morrow.

Special Dispatch to the New-York Daily Times.

WASHINGTON, Sunday, Dec. 9.

BANKS will certainly be elected to-morrow morning, unless defeated by treachery. There are many of the latter description, but I believe enough them well founded, resolved patriotic and possibly courageous to carry through in which case no time to that the people will not instantly understand and sustain it.

There are certain appearances of discontent existing. If BANKS should fail to-morrow, all will be at once again, and the organization will be postponed indefinitely. I believe, however, that BANKS will be elected, although WISE, MR. HALE and WILLIAMS all refuse to vote for him, as do BOCK, HOUSTON and HAMMOND, of Ohio.

XXXIVth CONGRESS.—First Session.

SENATE.—WASHINGTON, Saturday, Dec. 8.

On motion of Mr. FOOTE, Wm. HUNTER was appointed Chief Clerk, vice A. G. MANGUM, deceased.

Mr. SUMNER presented a petition from Commodore CHARLES STEWART, of Philadelphia, praying an increase of the Naval Board in placing him on the retired list.

Adjourned.

Mr. HALE, said one, looking at the clock—We have made over a dollar a minute for me, the session lasting only seven minutes. [Laughter.]

HOUSE OF REPRESENTATIVES.

WASHINGTON, Saturday, Dec. 8.

The House resumed voting for a Speaker, with the following result:

Banks	98	Wheeler	6
Richardson	72	Thurston	6
Fuller	66	A. K. Marshall	4
Pennington	6	Haven	1
Scattering	9		

Messrs. Howard, Walker, Carlisle, Craig, Andrew and Oliver received one vote each.

SEVENTY-EIGHTH BALLOT.

Banks	97	Carlisle	5
Richardson	73	Sweet	1
Fuller	66	Wheeler	6
Pennington	6	Thurston	6
Thurston	1	Scattering	5

Messrs. Howard, Haven, Walker, Carlisle, Fuller, Smith of Alabama, Andrew, Oliver and Sweet, one each.

Necessary to a choice 113. BANKS lacked 16 votes of an election.

SEVENTY-NINTH BALLOT.

Richardson	88	Pennington	4
Banks	82	Scatt

Q.—Was you ever in the State prison? A.—No, Sir.

Q.—Was you ever in the Penitentiary? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Maryland? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Virginia? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Pennsylvania? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Ohio? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Kentucky? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Tennessee? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Missouri? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Illinois? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Indiana? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Michigan? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Wisconsin? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Iowa? A.—No, Sir.

Q.—Was you ever in the Penitentiary in California? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Oregon? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Texas? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Florida? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Alabama? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Georgia? A.—No, Sir.

Q.—Was you ever in the Penitentiary in South Carolina? A.—No, Sir.

Q.—Was you ever in the Penitentiary in North Carolina? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Virginia? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Maryland? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Delaware? A.—No, Sir.

Q.—Was you ever in the Penitentiary in New-Jersey? A.—No, Sir.

Q.—Was you ever in the Penitentiary in New-York? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Connecticut? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Rhode Island? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Massachusetts? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Vermont? A.—No, Sir.

Q.—Was you ever in the Penitentiary in New-Hampshire? A.—No, Sir.

Q.—Was you ever in the Penitentiary in Maine? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the District of Columbia? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Utah? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of New-Mexico? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Nebraska? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Kansas? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Minnesota? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Washington? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Oregon? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of California? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Arizona? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Nevada? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Colorado? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Dakota? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Idaho? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Montana? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Wyoming? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Alaska? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Hawaii? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Japan? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of China? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Australia? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of New-Zealand? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Africa? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Europe? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of Asia? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of America? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the United States? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the World? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the Universe? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the Solar System? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the Milky Way? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the Andromeda Nebula? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the Magellanic Clouds? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the Great Bear? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the Little Bear? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the Dragon? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the Swan? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the Eagle? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the Lyre? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the Crown? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the Serpent? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the Ophiuchus? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the Hercules? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the Bootes? A.—No, Sir.

Q.—Was you ever in the Penitentiary in the Territory of the Corona Borealis

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SPECIAL NOTICES.

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NEW PUBLICATIONS.

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